

BOARD OF SELECTMEN
Regular Meeting – August 5, 2013

I. Call to Order/Roll Call

Chairman Vispoli reconvened the Regular meeting of the Board of Selectmen to order at 7:14 P.M. in the Selectmen's Conference Room at the Town Offices. Roll call: Chairman Alex Vispoli-Y and Selectmen Brian Major-Y, Mary Lyman-Y, Dan Kowalski-Y, and Paul Salafia-Y. Also present: Town Manager Reginald S. Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

II. Executive Session

Chairman Vispoli called the Executive Session to order at 6:08 P.M. in the Selectmen's Conference Room in the Town Offices. On a motion by Dan Kowalski and seconded by Paul Salafia, the Board entered into Executive Session to discuss litigation and collective bargaining strategy. Roll call: Chairman Vispoli-Y and Selectmen Dan Kowalski-Y, Paul Salafia-Y, Alex Vispoli-Y, Mary Lyman-Y, and Brian Major-Y. At 7:06 P.M. on a motion by Dan Kowalski and seconded Brian Major, the Board motioned to adjourn from Executive Session to move to Open Session and to not return to Executive Session. Roll call: Chairman Vispoli-Y and Selectmen Dan Kowalski-Y, Paul Salafia-Y, Alex Vispoli-Y, Mary Lyman-Y, and Brian Major-Y.

III. Opening Ceremonies

The Chairman asked for a moment of silence in memory of Maria Maggio, Acting Plant & Facilities Director, who recently passed away, followed by the Pledge of Allegiance.

IV. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

- ~ The Swearing-in Ceremony for Police Chief Patrick Keefe will be held in the James Doherty Town Meeting Hall in the Old Town Hall on August 6, 2013 from 5:00 P.M. to 7:00 P.M.
- ~ A Public Forum with the Massachusetts Gaming Association will be held in the Hall at the Memorial Hall Library at 7:0 P.M. on Tuesday, August 6th. The representatives from MGA will explain the evaluation and application process for the proposed slot parlor in Tewksbury.
- ~ Pumps Pond re-opened today and all public safety regulations are in place.
- ~ The additional allocation in State Aid for Andover is \$374,150. The School Committee and Board will discuss if a Special Town Meeting is required to allocate the funds.

Town Clerk Larry Murphy reported receiving notice from the Alcohol Beverage Commission that the appeal date for the license violation by Raagini Indian Bistro will be held on October 16th at 10:30 A.M. in Boston.

Selectman Salafia reported that the discussions on the Pilot Program in lieu of taxes for non-profit institutions in Town will continue throughout August and September. He also stated the Economic Development Council is in the process of setting their goals and projects for the upcoming year.

Chairman Vispoli said the EDC is organizing an Economic Summit with guest speakers to be held in November to coincide with the Town's mid-year review.

Selectman Lyman thanked Safety Officer Chuck Edgerly for his assistance with a letter of concern she received regarding a safety issue.

Selectman Major asked the Board to look at the loophole in the Town Health Insurance Program which allows members of the Board of Selectmen and School Committee Members to receive health insurance and to have that option eliminated.

Selectman Kowalski asked if the Board could have an analysis report on the 'See-Fix-Click' customer service program so they can see the impact of the program, volume and type of incidents reported. Mr. Kowalski also reported there are a few openings on the Zoning Board of Appeals Board and would like to see the Board involved in the outreach to the community. The Town Manager pointed out that the ZBA is a working board who write opinions, conduct site visits and work on Saturdays – members usually have a background that complements the work required.

IV. Citizens Petitions & Presentations

John Pasquale, 47B Whittier Court, shared citizens concerns regarding brown water and requested the DPW provide a matrix of areas affected and that they fix the problems. The Town Manager provided an update on the problem which includes pumping approximately 13 million gallons of water daily during the 7-10 days of high temperatures. Pumping this amount of water (two times the normal amount) creates a velocity in the system that stirs up rust in the pipes. Residents should contact the DPW if they are experiencing issues with brown water so they can rack the problem. Now that the processing plant is up-to-date, the attention will be focused on fixing the distribution system. The Board may have to address water bans when large volumes of water are demanded.

Mary Carbone, 3 Cyr Circle, asked that everyone remember Maria Maggio and she appreciates that Maria always took the time to speak with her. Mary revisited the June 17th meeting in which she was called out of order for attempting to speak in a derogatory manner about a former Selectman. She takes issue that this encounter was not reflected in the minutes of the June 17th meeting. After being called out of order, she left the room and went to the Police Station to report the incident as this was not the first time this has happened. She feels it is a defamation of her character and that no elected official should treat members of the community in this manner. Selectman Major reminded her that one of the rules of the Board of Selectmen is that if any individual says anything derogatory about someone who is not present in the room the Chairman will rule that individual to be out of order.

Matthew Morello, owner of Brasserie 28 at 2 Elm Square, was present to request that the Board allow him to extend his indoor entertainment license be used outside for a

dresscode Fashion Show being held outside on the premises this Thursday evening. Town Clerk Larry Murphy confirmed that their entertainment license is for indoors and that Mr. Morello submitted the request but there wasn't time to prepare the information for tonight's meeting. Approvals from Public Safety have been received. The event is by invitation only for 30 – 40 people and will run from 6:00 P.M. to 8:00 P.M. It is not a live broadcast, just a speaker outside. Mr. Murphy asked if the Board would authorize the request based on all conditions being met and approved by him.

Selectman Lyman motioned to authorize the Town Clerk to take the matter under advisement and act on behalf of the Board of Selectmen. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

VI. Public Hearing

A. Bertucci's Brick Oven Ristorante

Bertucci's Restaurant Corp., d/b/a Bertucci's Brick Oven Ristorante, 90 Main Street, Andover, has applied for a Transfer of Ownership of an All-Alcoholic Restaurant License to Bertucci's Restaurant Corp. Said Petition for Transfer of Ownership to include: New Officer/Director, Issuance of Stock, Transfer of Stock and new Stockholder. The Manager of record on the license will be Jared M. Hoffman. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

Selectman Kowalski moved that the Board of Selectmen approve the application of Bertucci's Restaurant Corp., d/b/a Bertucci's Brick Oven Ristorante at 90 Main Street, Andover, for a Transfer of Ownership of an All-Alcoholic Restaurant License to Bertucci's Restaurant Corp. including a New Officer/Director, Issuance of Stock, Transfer of Stock and a New Stockholder. The Manager of Record on the license, Jared M. Hoffman, will remain the same. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

VII. Regular Business of the Board

A. Grant of Easement – West Knoll Road

On a motion by Selectman Lyman and seconded by Selectman Kowalski, the Board voted 5-0 to sign a Grant of Easement from the Town to Massachusetts Electric/National Grid which is needed for the relocation of poles and underground utilities on the West Knoll Right-of-Way associated with the Bancroft School construction.

B. Andover Youth Foundation Amended Agreement – First Reading

The Board reviewed and discussed the amendments to the Andover Youth Foundation Agreement. Attorney Urbelis reported drafting changes which were presented to the Youth Foundation. The amendment includes adding an additional 4' to the gym and changes in the language relative to use of funds in the contingency account should there be any left over.

Diane Costagliola, Chair of the Youth Foundation, feels if there are any contingency funds leftover, the funds should be considered Youth Foundation money and returned to that fund. Brian Lynch, 8 Williams Street, said the Foundation gave an extra 10% knowing the problem with the construction industry. The Youth Foundations desire is, if the Youth Center is 100% complete, the remaining funds be used to finish the building and/or used towards the yearly operating costs of the Youth Center. The Board suggests the agreement clearly indicate the order of priorities for the remaining contingency funds, if there is any to be used. The Youth Foundation's goal is to finish the building. Town Counsel Tom Urbelis will update the agreement.

C. Town Accountant Subcommittee Report

Selectmen Lyman and Kowalski provided a detailed report of the options to consider for the Town Account position. The Town Accountant is a direct report to the Board of Selectmen and a reorganization of the position and the subcommittee presented four options.

Option A: The position would remain as it currently exists, reporting to the Board of Selectmen. It is a long-standing existing structure established by the Town Charter in 1958 and clearly an independent entity. The office is adequately staffed, works well as a team, allows for backup support between the Town Accountant and the Finance Director and provides two sets of professional opinions on complex financial matters allowing the Finance Director to focus on high-level Town-wide fiscal affairs. However, the Finance Director has no direct control over accounting functions, it is a separate office and the position was established prior to the creation of a Finance Department and Director. The two departments have similar skill sets and overlapping responsibilities and it is a less than ideal structure for communication, coordination and team work.

Option B: Entails moving the Accounting Department under the Finance Department with the Finance Director also serving as the Town Accountant and the establishment of a new IE-26 Assistant Finance Director/Accountant position and a new IE-20 Internal Auditor position. This option modernizes the structure common in many communities. It provides for a new internal audit function within the existing FTE count and provides for enhanced efficiency, coordination, communication, and teamwork. The Finance Director would have direct control over Accounting functions and would provide a professional level of back up support within the department while reducing budget costs of two Department Head positions. However, this option could have potential conflict with the intent of the Town Charter. There would be less direct supervision to the Accounting Office staff and the Finance Director/Town Accountant may be overwhelmed with additional duties with less time to focus on high-level Town-wide fiscal affairs.

Option C: This option involves moving the Accounting position under the Finance Department and downgrading the Town Accountant position to an IE-28. This option would maintain the general intent of the Town Charter, provide direct control over accounting functions by the Finance Director and the Town Accountant's Office and would become a part of the Finance Department Team. It would provide for enhanced efficiency, coordination, communication, and teamwork reducing budgetary costs. The downside of this option is it maintains separate Finance Director and Town Accountant positions with similar skill sets, reduces the independent authority and stature of the Town Accountant position which may make it harder to recruit a highly-quality Town Accountant and does not provide for an internal audit function.

Option D: This option suggests moving the Accounting operations under the Financial Services Department and redefining the Assistant Finance Director (Town Accountant/Auditor) position. This option would maintain the general intent of the Town Charter, gives the Finance Director operational oversight over Accounting finances, provides a new Internal Audit function within the existing FTE count and provides for enhanced efficiency, coordination, communication, and teamwork. It would also provide professional level backup support within the department and would free up the Finance Director's time to focus on high-level Town-wide fiscal affairs.

Moving the Accounting position under the Financial Services Department and redefining the Assistant Finance Director position (Town Accountant/Auditor). This option maintains the general intent of the Town Charter, the Finance Director would have operational oversight of the accounting functions, and it would provide for a new internal audit function within the existing FTE count. It would also provide enhanced efficiency, coordination, communication, and teamwork as well as professional level backup support within the department while freeing up the Finance Director's time to focus on high-level Town-wide fiscal affairs. However, this option reduces the independent authority and stature of the Town Account position, and the Assistant Finance Director/Town Accountant/Auditor may be overwhelmed with additional duties. There would be similar skill sets and overlapping responsibilities between the Town Accountant and Finance Director and my create confusion of authority between the Assistant Finance Director/Town Accountant and Collector/Treasurer.

Selectman Kowalski said he received additional information and concerns today and in consideration of this, he does not feel they are ready to make a decision on the job description without more discussion on the concerns presented especially the concerns on how it impacts the Town Charter. He suggested identifying the option before setting the job description as well as writing a job description for each option. As Subcommittee members, Mary Lyman and Dan Kowalski requested the Board schedule a Special Meeting for this important decision.

D. Town Manager's Evaluation Subcommittee Report

Chairman Vispoli said he and Selectman Salafia need more time to complete their Subcommittee Report and expect to have it completed by the next Board meeting.

E. Proposed Slot Parlor in Tewksbury

Chairman Vispoli said the Board has received many inquiries about the proposed slots parlor in Tewksbury and he explained the process and timeline for the proposed slot parlor. The Town Manager to give the Board an update on the Tewksbury slots parlor proposal.

F. Medical Marijuana Moratorium

Board to discuss a medical marijuana moratorium in the Town of Andover.

G. Future Meeting Dates

The Board schedule future meeting dates of September 9th and 16th, October 7th and 21st and November 4th and 18th.

H. 2-4 Bancroft Road

Due to new information, the Board will address this item on Thursday, August 8th at 7:30 A.M. Executive Session followed by an Open Meeting.

VIII. Consent Agenda

A. Appointments and Re-Appointments

Selectman Kowalski motioned to approve the following appointments as presented by the Town Manager:

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>PLANT & FACILITIES DEPARTMENT</u>			
Edwin Ataide	Acting Director (v. M. Maggio)	M-3-6-4/\$107,539	7/21/13
<u>COMMUNITY SERVICES</u>			
Douglas Lewis	Lifeguard – PT	C2A/\$8.00/hr.	7/29/13
Joseph Downes-Berry	Lifeguard – PT	C2A/\$8.00/hr.	7/01/13
Darla I. Peterson	Cheerleading Counselor – PT	C2A/\$8.00/hr.	7/29/13
Carly Sakellarios	Concession – PT	C2A/\$8.00/hr.	7/15/13
<u>COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT</u>			
Christine St. Jean	Office Assistant I – PT	IE-10/\$19.59/hr.	8/12/13
Lisa Finneran	Office Assistant I – PT	IE-10/\$19.59/hr.	8/22/13
<u>MEMORIAL HALL LIBRARY</u>			
Jeremy Brownholtz	Library Page – PT (v. M. Murphy)	L1-1/\$8.00/hr.	8/29/13

The motion was seconded by Selectman Salafia and voted 4-1 to approve. Selectman Lyman opposed.

On a motion by Selectman Kowalski and seconded by Selectman Salafia, the Board voted 5-0 to approve the following appointments presented by the Town Manager:

SCHOOL BUILDING COMMITTEE – Term expires 6/30/14

Edwin Ataide (v. M. Maggio)

GR. LAWRENCE COMMUNITY ACTION COUNCIL – Term expires 6/30/16

Kenneth E. MacKenzie – Andover Representative (v. E. Starr)

BALLARDVALE HISTORIC DISTRICT COMMISSION – Term expires 6/30/15

Gary Rowe – Alternate Member (v. S. Kirby)

And on a motion by Selectman Kowalski and seconded by Selectman Salafia on a vote of 5-0 that the following re-appointment by the Town Manager be approved:

COUNCIL ON AGING – Term expires 6/30/16

Joan Fox

And on a motion by Selectman Kowalski and seconded by Selectman Salafia and voted 5-0 that the following appointments by the Board of Selectmen be approved:

ZONING BOARD OF APPEALS – From Associate Members to Regular Members

Neil B. Magenheim – Term expires 6/30/15 (v. N. Jeton)

Kate R. Bargnesi – Term expires 6/30/14 (v. S. Anderson)

IX. Approval of Minutes from Previous Meetings

On a motion by Selectman Major and seconded by Selectman Kowalski, the Board voted 5-0 to approve the Regular Meeting Minutes of July 1, 2013 and July 15, 2013 as presented.

X. Adjournment

At 9:28 P.M. on a motion by Selectman Major and seconded by Selectman Kowalski, the Board voted 5-0 adjourn from the Regular Meeting of August 5, 2013. Roll call: A. Vispoli, B. Major-Y, D. Kowalski-Y, P. Salafia-Y, and M. Lyman-Y.

Respectfully submitted,

Dee DeLorenzo

Recording Secretary